IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

Bail Appl..No. 7718 of 2007()

CMP.6104/2007 of J.M.F.C.,KASARAGOD
CRIME NO.312/06 OF KUMBLA POLICE STATION

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: PETITIONER/ACCUSED

RAVI P., S/O. SUBBA MATIVALA,
ICHILAMKODE VILLAGE, ICHILAMKODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT/STATE

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1. THE SUB INSPECTOR OF POLICE,
KUMBLA POLICE STATION.

2. STATE, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.7718 of 2007

Dated this the 14th day of December, 2007

ORDER

Application for regular bail. Petitioner faces allegations under the Kerala Abkari Act. He was allegedly found to keep in his possession 500 packets of Karnataka arrack each containing 100 ml on 3.11.07. He took to his heels and could not be apprehended. He was arrested long later on 12.12.07. The learned Public Prosecutor points out that the petitioner has 3 other cases also against him registered under the Abkari Act.

2. The learned counsel for the petitioner prays that the petitioner may now be enlarged on bail. The application is opposed by the learned Public Prosecutor. The learned Public Prosecutor submits that the quantum of the contraband article and the period of detention do oblige the State to oppose the application. The conduct of the petitioner in running away may also be taken into account, submits the learned Public Prosecutor.

3. In the wake of opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if

this Court is in a position to entertain both satisfactions contemplated under Section 41 A of the Kerala Abkari Act. At the moment and with the available inputs I find absolutely no circumstances to entertain either of those two satisfactions.

4. This application is, in these circumstances, dismissed. I may hasten to observe that the petitioner shall be at liberty to move the courts below or this Court for bail again at a later stage of the proceedings, not, at any rate, prior to 28.02.2007. The investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-